

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 13-29 have been cancelled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-12, and 30-33 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

- (a) the rejected claims have been canceled.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

ALLOWED SUBJECT MATTER:

In the Office Action, at page 3, the Examiner indicated that claims 1-12, and 30-33 are allowed.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 2, the Examiner rejected claims 13-15, 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over Nishikawa (U.S. 4,350,874 – hereinafter Nishikawa) in view of Wassman et al. (U.S. 5,676,870 – hereinafter Wassman). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 2, the Examiner rejected claims 16-27 under 35 U.S.C. §103(a) as being unpatentable over Nishikawa in view of Wassman, and further in view of Pearlman et al. (U.S. 5,801,362 – hereinafter Pearlman). The reasons for the rejection are set

forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that claims 13-29 have been cancelled without prejudice or disclaimer.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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